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John R. Connery

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## Orphan Embryos

Rev. John R. Connery, S.J.

*Father Connery, a faithful contributor to Linacre Quarterly and a member of its editorial advisory board, received the Gerald Kelly Award at the National Federation of Catholic Physicians' Guild annual meeting in Philadelphia in October, 1984. The award is presented periodically to an outstanding theologian.*

The recent news report from Australia about the plight of frozen human embryos virtually orphaned by the death of their known (mother) parent raises several moral questions. One question has already surfaced about the morality of freezing human embryos. Others are being raised about the rights of frozen embryos. It is natural that such questions should arise, and they call for response, but it is critical that the more basic questions be raised as well. We shall try to give somewhat brief responses to these queries.

The most basic question concerns the morality of the whole procedure of in vitro fertilization, and other forms of artificial reproduction. The Church, for serious reasons, is opposed to the substitution of technology for the conjugal act in human procreation. The opposition is obviously not to technology as such; it arises only when the Church judges that technology violates the plan of God's creation. The underlying reason she opposes this use of technology is that it separates human procreation from the expression of conjugal or marital love in sexual intimacy and makes it a laboratory process. It is precisely this love relationship that makes human procreation different from animal procreation or reproduction.

Someone might ask why the Church considers this relationship so critical. The basic reason is that, for human beings, procreation of itself is not enough. Human offspring need the continued care of adult humans to develop and grow as human beings. Without it, human development is impossible. To provide for this, God has designed the human procreative act in such a way that the child is the product of a loving act of the parents. There is consequently a bond between the parent and the child which springs from the fact that the child is the

expression of the love of the parents for each other. Love of the child is included in the love of the parents for each other. To the extent that the child becomes the product of a scientific procedure, the bond with conjugal love and intimacy is lost.

But is it not possible for two married people to love a child who is not bonded to them by reason of its origin in an act of conjugal love? This certainly can and does happen. We know that parents can and often do adopt a child who is not their own in any sense and become loving parents, able and willing to care for that child. Indeed, we have a Christian obligation to love all human beings. This obligation obviously does not approach the degree of commitment parents must make to children. But people who may initially have been strangers often end up making a total commitment to each other in marriage. So a love commitment to another human being does not necessarily depend on a prior bond resulting from conjugal intimacy. Would not the same kind of a commitment to a child be possible, especially for a child who is at least genetically their own?

There are certain differences here to which attention should be called. First, in adoption and other relations initiated with other human beings, a certain selection is possible. In peer relations also one is free in regard to the degree of commitment he or she wishes to make. There is not the same selection or freedom in dealing with offspring. The relationship is set from the beginning, and ordinarily one cannot put a limit to it. Even if the child is handicapped, parents are not free to reject it. So the kind of bonding that comes from the relationship of procreation to the love of the spouses is extremely important. It is quite true that some people adopt handicapped children, and some marry handicapped partners, but it is a matter of free choice, and only a limited number would make such a choice. So the lack of freedom in the parent-child commitment makes a difference. The bonding is basic.

In artificial reproduction, there is even a more important difference. The child, at least to some extent, is the product of a laboratory procedure. Since the child belongs genetically to the married couple, it would seem clear that they are still responsible for him/her. On the other hand, since the scientific intervention carries with it significant involvement by third parties (without this intervention there would be no child), it would be easier for the parents to evade responsibility for a child who turned out to be handicapped, or otherwise undesirable. Technological intervention of this kind would easily introduce an element of ambiguity in regard to responsibility which would be detrimental to the welfare and security of the child.

This problem would be present even in artificial reproduction within marriage, that is, an instance where the germ cells came from a married couple. In fact, it was already present in artificial insemination, and this was what Pius XII was talking about back in 1948 when



he condemned artificial reproduction. But in the minds and actions of those promoting technological reproduction, these procedures are only the first steps in this direction. Ultimately, the goal is to separate procreation totally, not only from conjugal intimacy but also from any dependence on the mother. In other words, the goal is to produce the child outside the human body. And if the goals of eugenics and genetic engineering are added, the ultimate aim is to produce the best genetic combinations possible. This would complete the separation of procreation from marriage itself. Procreation would be almost totally a scientific procedure, dependent on humans only for the germ cells themselves. Eventually, not only procreation but even the education of the child would be transferred from the home to the scientific laboratory. The bond between procreation and marriage would be totally disrupted.

### Can One Draw Line?

Some might ask why it is not possible to draw the line at in vitro fertilization within marriage in the sense described above. The scientific intervention here is minimal and it is of great benefit to couples who cannot have children themselves. The question is: Can one reasonably draw the line at this point? If one allows this kind of intervention, it is difficult to see how he or she can refuse further interventions. The reason would be the same or just as compelling: a couple cannot have children otherwise, or they run the risk of having defective children. If the desire for a child would justify the initial separation, it would seem to justify further separation. The next step would undoubtedly be to provide for a couple, one of whom was sterile. This might still be presented as "within marriage" in a broad sense of the term, that is, in the sense that the petitioners are husband and wife. And it may appear acceptable on this score. It is easy to perceive moral differences when one is judging extremes. But when one is inching along, the discernment becomes much more subtle and deception is easier. Those who find the initial separation of procreation from conjugal intimacy acceptable are open to this kind of deception. Perception of the truth may come too late.

But even if one were to insist that in vitro fertilization, is justifiable, at least in certain cases (e.g., within marriage, especially where the semen was obtained from conjugal intimacy) the technique in question in the Australian case would still be objectionable. It would be objectionable, first of all, because it involved a third party, a donor, and therefore a basic separation of procreation from marriage. It would also be objectionable for a second reason; the intention of bringing human embryos into being solely for "backup" purposes. This mind-set vitiates the whole procedure.

This latter issue was highlighted in the Australian case by the death

of the known parent (mother) of the embryos. But it did not originate with this death. Even if the mother had lived and a successful second or third implantation was achieved, the procedure would still be morally problematic. It was vitiated right from the beginning by the fact that the additional embryos were, by explicit intention, "backup" embryos. In other words, they would be used only if the first implantation failed. If it was successful, they would be disposed of, or become the victims of "benign" neglect.

What this really means is that the survival of these embryos was deliberately made contingent on the failure of the first implantation. The embryos were deliberately brought into being with the intention of disposing of them if the first implantation succeeded. There is no way in which this can be justified. Conceivably the technicians involved might have intended to use them in a subsequent pregnancy (if the first implantation was successful), but there is little reason to believe that they entertained this possibility seriously. In other words these embryos were allowed only a conditioned right to life.

The moral problem related to "backup" embryos could be solved simply by implanting all the fertilized ova initially, but this carries with it the risk of multiple pregnancies. Multiple pregnancies do not in themselves constitute a moral problem, but they may not be desirable. Even this procedure, however, fails to resolve the initial moral issue raised by reducing procreation to a technological procedure.

### Morality Question Raised

The question about the morality of freezing embryos must also be raised. In fact, I am not sure that a categorical response can be given to this question. Ultimately, it depends on whether such a procedure would be for the good of the embryo. I do not think one can rule out the possibility that some day it might be. But at present, those involved in the Australian case themselves seem to have some doubt that the embryos can survive defrosting. It seems clear that, at the time it was done, the whole process of freezing embryos was (and probably still is) in the experimental stages. The morality of the procedure consequently has to be judged according to the principles laid down for experimenting with human beings. I do not know enough about the procedure to judge whether these principles were followed, but I must confess to serious doubts about this. I say this because there can be no justification for subjecting human embryos to *strict experimentation* (not for the benefit of the embryo, but for the benefit of scientific progress), especially where danger to the embryo is involved. The physicians currently involved in the Australian case openly admit the danger to survival of attempting to defrost the embryos.

In an emergency situation where hypothermy, even at the experimental stage, would offer the only hope, even if minimal, of pre-



serving an already existing embryo long enough to implant it, it would be permissible, but one could never justify causing such an emergency by deliberately bringing a human embryo into the world for delayed implantation. So I do not see how even *therapeutic experimentation* (for the benefit of the embryo) could be justified in the present context.

The question about the right of frozen embryos to implantation, that is, to survival, is an important one, but the fact that this right has already been compromised should not be forgotten. Even if a host mother can be found, the initial procedure must still be condemned. Those responsible for the predicament of the embryos (husband, wife, physicians, etc.), have an obligation to do what they can to save them, and hence to find a host mother, if this is feasible. In no way can they simply dispose of the embryos as long as there is reason to believe they are still alive.

But I do not think one could impose an obligation on anyone to host such a child. If some married couple wanted a child, hosting an orphaned embryo might be an admirable way of fulfilling their wishes. It might also be a great act of charity to host such an embryo. But one can hardly speak in terms of any obligation to do so. The "rights" or justice approach is indeed a valid one, but it is also very difficult to apply in situations like the present one. It may be easy enough to argue from the rights of one individual to what others in justice *ought not to do*. But one must be very careful about what inferences are drawn from the existence of rights as to what others *ought to do* in justice. This kind of act, relieving a person in need, is prompted by Christian charity rather than justice. But, as already mentioned, it would be a matter of generosity rather than of obligation.

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